

Jan. 15, 2013

Mr. Jose L. Burgos
Chief, FOIA Program
Office of the Chief Attorney
Department of the Army
200 Stovall St.
Alexandria, Va 22332-1800

Dear. Mr. Burgos:

We are writing to appeal the Office of the Chief Attorney's partial denial of The News Tribune's and The Seattle Times' Freedom of Information Act requests for documents stemming from investigations into the forensic psychiatry program at Madigan Army Medical Center. This letter pertains to case FA-12-0314.

The News Tribune and The Seattle Times challenge the Army's characterization of the documents in question as "predecisional." The Army has announced a number of corrective actions resulting from these investigations, demonstrating that the reports are complete.

For instance, the Army in August reinstated Col. Dallas Homas to his position as commander of Madigan Army Medical Center. Two other doctors who were put on restricted duties during the investigation have been reinstated to their full capacities.

Furthermore, the Army has closed the vast majority of Madigan case reviews that took place at a behavioral health "fusion cell" following the initial complaints about the forensic psychiatry program. The Western Regional Medical Command in November announced that the fusion cell had ceased operations because its work was complete.

Also, I Corps commander Lt. Gen. Robert Brown and Western Regional Medical Command commander Maj. Gen. Richard Thomas on Aug. 2 announced reforms to Madigan's behavioral health program that resulted from the Army investigations. The News Tribune and The Seattle Times are seeking with this Freedom of Information Act request.

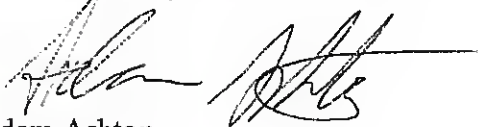
The above examples demonstrate that the Army has completed its investigations into Madigan's forensic psychiatry program and taken corrective action to resolve the complaints. Those reports should now be releasable to the public.

These documents are of great significance to the military and veteran community surrounding Joint Base Lewis-McChord. The nature of the Army's investigation and its reverberations in Congress left an impression in the public that doctors and officers at Madigan had an unjustified bias against diagnosing service members with post-traumatic stress disorder. Disclosing the Army's investigations into their actions could restore their reputations and give the public a greater understanding of how doctors reach diagnoses in complex situations.

The News Tribune and The Seattle Times encourage the Army to not withhold these documents until the Army Behavioral Health Task Force completes its work. That report likely will reveal a “bird’s eye view” of the system that would not necessarily answer our local questions about behavioral health diagnoses at Madigan Army Medical Center.

If the Army continues to consider its Madigan reports as “predecisional” components of the broader review, The News Tribune and The Seattle Times ask that the Army narrowly construe that exemption to release more information that could substantiate the conclusions Lt. Gen. Brown and Maj. Gen. Thomas announced in August.

Thank you for your consideration,



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